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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,327	02/06/2006	Christopher G Steel	GB 020197	5733

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

GONZALEZ, AMANCIO

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/535,327

Applicant(s)

STEEL, CHRISTOPHER G

Examiner

Amancio Gonzalez

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 11/28/07 have been fully considered but they are not persuasive.

The argued features, mainly, mobile station location determination, encryption of said mobile location, and sharing an encryption key related to said location only with a remote station, not *necessarily* with the location server, read on the cited prior art reference as follows.

Contrary to Applicant's arguments and as one of ordinary skill in the art at the time the invention was made would have asserted, and as shown in the previous office action, Herle discloses all the features of the present application, e.g., mobile station location determination, encryption of said mobile location, and sharing an encryption key related to said location only with a remote station, not *necessarily* with the location server, said facts being admitted by the Applicant in his the arguments. Applicant finds grounds for his arguments on that Herle's invention suggestion that "this location information is required to be relayed only to the wireless service provider or a Public Service Access Point.. While this position is necessary for emergency purposes, it would also be useful for targeting commercial services." However the applicant, as one of ordinary skill in the arte, should understand that the statement previously quoted does not exclude from the invention the embodiment described by Herle in which the mobile station shares its encryption key with the remote mobile station only. Therefore, the cited prior art reference discloses the limitation of "mobile station location

determination, encryption of said mobile location, and sharing an encryption key related to said location only with a remote station, not *necessarily* with the location server," consequently disclosing the limitation of the invention claimed by the present application.

As a result, the argued features are written such that they read upon the cited reference.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herle et al. (US Pat 7013391), hereafter "Herle."

Consider **claim 1**, Herle discloses a method of distributing the location of a mobile device (**see the title, col. 6 lines 61-63, where Herle discusses a method for**

distributing the location of a mobile device). Herle discloses determining the location of the mobile device (**see the abstract, col. 1, lines 22-27**). Herle discloses encrypting the determined location using an encryption key (**see the abstract, fig. 2**). Herle discloses transmitting the encrypted location to a server (**see fig. 4, step 415, col. 6, lines 41-46**). Herle discloses storing the encrypted location at the server (**see fig. 4, step 415, col. 6, lines 46-48**). Herle discloses querying the server from a remote terminal (**see fig. 4, step 420, col. 6, lines 48-50**). Herle discloses transmitting from the server to the remote terminal the encrypted location in response to the query (**fig. 4, step 425; col. 6, lines 54-56**). Herle discloses decrypting the location at the remote terminal using the predetermined encryption key (**fig. 1, col. 6, lines 54-56**).

Herle discloses sharing the predetermined encryption key between the mobile device and the remote terminal (**see col. 5 lines 6-12, where Herle specifies that “The use of encryption-decryption keys enables the mobile station to give its location out only to those having authorization from the mobile station user,” i.e., another mobile terminal user**), but does not explicitly refer to *not sharing the encryption key with the server*. However, Herle states that “*MS position server application program 330 may also be responsible for controlling access to mobile station database 360* (see col. 6 lines 1-3) and, furthermore, Herle also discloses in step 425 of figure 4 an embodiment in which the server **transmits the encrypted position data to the client device which then decrypts the position data** (see col. 6 lines 52-56) that which would have make obvious to one of ordinary skill in the art at the time the invention was made to see the suggestion of another embodiment

implementation of the invention wherein the MS does not share with the server the use of the ***encryption-decryption key that enables the mobile station to give its location out only to those having authorization from the mobile station user***, as stated in the quotation of col. 5 lines 6-12 above.

Consider **claim 2**, Herle et al. show a mobile phone that determines its location, encrypts its location using an encryption key (abstract; fig. 2), transmits the encrypted location to a server (abstract; fig. 1; col. 1, lines 22-27; fig. 4, steps 410 and 411: MS 111 accesses MS location server 160 and establishes a secure connection and transmits encrypted location data to MS location server 160), and shares the predetermined encryption key with a remote terminal but not the server (MS location server 160 –fig. 1, col. 6, lines 54-56- transmits the encrypted MS 111 position data to the client access device, which then decrypts the MS 111 position data: only mobile station and the remote terminal share encryption key in this embodiment of the invention).

Consider **claim 3**, Herle et al. clearly disclose a server that receives and stores an encrypted location, which is encrypted with an encryption key and corresponds to a mobile device (fig. 4, step 415; col. 6, lines 41-46); and in response to a query from a remote terminal, to transmit to the remote terminal the encrypted location (MS location server 160 –fig. 1, col. 6, lines 54-56- transmits the encrypted MS 111 position data to the client access device, which then decrypts the MS 111 position data: mobile and remote device only share encryption key); wherein between receipt and transmission of

the encrypted location by the server, the server is not in possession of the encryption key.

Consider **claim 4**, Herle et al. clearly disclose a terminal that queries a remote server for the location of a particular mobile device with which it has shared an encryption key independently of the server (terminal: reads access device -fig. 1; (fig. 4, step 420; col. 6, lines 48-50; claim 15); and upon receipt of an encrypted location encrypted with the encryption key, decrypting the location (MS location server 160 -fig. 1, col. 6, lines 54-56- transmits the encrypted MS 111 position data to the client access device, which then decrypts the MS 111 position data).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

February 18, 2008


Rafael Perez-Gutierrez
Supervisory Patent Examiner
Technology Center 2600
Art Unit 2617
2/19/08